

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ABBOTT LABORATORIES, et al.,
PRETERM INFANT NUTRITION PRODUCTS
LIABILITY LITIGATION**

MDL NO. 3026

Master Docket No. 22 C 00071

Hon. Rebecca R. Pallmeyer

This Document Relates to:

Brown v. Abbott Laboratories, et al. 22 C 2001
Diggs v. Abbott Laboratories, et al. 22 C 5356
Inman v. Mead Johnson, et al. 22 C 3737
Mar v. Abbott Laboratories, et al. 22 C 0232

ORDER

Pursuant to the parties' agreed proposals, the court hereby orders:

1. Briefing on challenges to non-medical experts for *Mar* is delayed to the dates set for filing of motions in limine.
2. Defendants' Rule 702 motion concerning general causation expert Dr. Jennifer Sucre and concerning Dr. DeZure (disclosed expert in *Mar*) have been filed on January 24, 2025. Plaintiffs' response to those motions are due on February 28, 2025. Defendants will file replies on March 14, 2025.
3. Plaintiffs' Rule 702 motions against Abbott experts Martin, Smith, Carter, Makuch, Lucey, and Starc, and against Mead expert Claud will be filed on February 14, 2025. Defendants' response to those motions will be due on March 14; Plaintiffs have waived replies.
4. Motions in limine in the *Mar* case, and Rule 702 motions directed at experts Scheer, Mohr, Wallingford, Chintagunta, D'Alton, and Williamson are due on March 21, 2025. Responses in opposition will be filed on April 11, 2025. Replies have been waived.
5. Plaintiff's Rule 702 motion concerning Mead expert Hay is due on March 21, 2025. Response in opposition will be filed on April 11, 2025. Reply is waived.
6. As Plaintiff has served a supplemental report and an amended report from Dr. Spector, Defendants have leave to depose Dr. Spector for three hours on January 31, 2025 and file any Rule 702 motion (and/or motion to strike the new reports) against Dr. Spector on February 7, 2025. Response in opposition will be due March 7, 2025; reply on March 21, 2025.
7. Briefing of case-specific summary judgment motions for *Diggs*, *Brown*, and *Inman* is deferred, to be re-set on dates closer to trial.
8. Abbott's Rule 56 motion regarding *Mar* was filed on January 24, 2025. Response in opposition is due on February 28, 2025; reply on March 14, 2025.

9. Defendants will file Rule 56 motions concerning general causation, if any, on February 7, 2025. Response in opposition will be due March 7, 2025; reply on March 21, 2025.
10. Page limits for Rule 702 motions are 15 pages. Parties will propose page limits for motions *in limine*, but are advised that the court ordinarily caps such limits at 35 pages, to be allocated across all motions, and limits responses to 30 pages, to be allocated across all responses. There need be no replies.
11. With respect to the motions described in paragraphs 2, 3, 5, 6, 8, and 9, each side will have up to 95 pages in the aggregate for opening briefs (to be allocated across the motions); up to 95 pages in the aggregate for oppositions (to be allocated across the oppositions), and up to 45 pages in the aggregate for replies (to be allocated across the replies).
12. For Abbott's Rule 56.1 statement of fact in conjunction with the *Mar* Rule 56 motion, Abbott complied with the agreed limits for their numbered paragraphs. For the Rule 56 motion on general causation, Defendants shall be limited to 15 numbered paragraphs in their Rule 56.1 statement of facts. These numbered paragraphs are in addition to the aggregate page limits agreed to by the parties above.
13. Rule 702 and Rule 56 motions in the *Diggs*, *Brown*, and *Inman* cases, including Rule 702 motions regarding experts Scheer and Mohr, will be due 70 days prior to the start of each trial, with oppositions due 30 days thereafter, and replies 10 days after that. The court cautions, however, that it will be unable to prepare a reasoned written decision in the 30 days between the filing of the replies and the start of trial. The parties will confer regarding a schedule for motions in limine in the *Diggs*, *Brown*, and *Inman* cases.
14. The court will conduct a final pretrial conference in the *Mar* case on April 17, 2025. Absent resolution of the case prior to May 5, 2025, the trial will begin on that date.

ENTER:

Dated: February 3, 2025



REBECCA R. PALLMEYER
United States District Judge